

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SAMUEL BERNARD DAVIS,

Plaintiff,

v.

**CITY OF DAWSON, TEXAS and
CHIEF OF POLICE MICHAEL CARTER,**

Defendants.

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Civil Action No. **3:19-CV-1751-L**

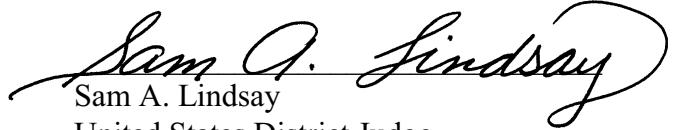
ORDER

On January 24, 2020, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) were entered (Doc. 14), recommending that the court grant City of Dawson, Texas, and Chief of Police Michael Carter’s Motion to Dismiss (“Motion to Dismiss”) (Doc. 8), filed August 20, 2019, and dismiss without prejudice Plaintiff Samuel Bernard Davis’s (“Plaintiff”) claims, but allow him to amend his pleadings. No objections to the Report were filed.

Having considered the motion, pleadings, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Instead of granting the Motion to Dismiss and dismissing without prejudice Plaintiff’s claims, the court **denies without prejudice** the Motion to Dismiss (Doc. 8) and will allow Plaintiff to file an amended complaint for purposes of curing the deficiencies noted in the Report. If Plaintiff wishes to amend his pleadings beyond what is allowed by this order, he must first seek and obtain leave of court. Any

amended complaint must be filed by **February 25, 2020**. *Further, failure of Plaintiff to file an amended complaint by this deadline will result in dismissal with prejudice of all claims asserted by him in this action under Federal Rule of Civil Procedure 12(b)(6).*

It is so ordered this 11th day of February, 2020.


Sam A. Lindsay
United States District Judge